

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KATHLEEN HODSON	)	
	)	Civil Action No. 03 - 0374
Plaintiff,	)	
	)	
vs.	)	Judge Maurice B. Cohill, Jr.
	)	
	)	
INTEGRATED HEALTH SERVICES	)	
LONG TERM CARE, INC. d/b/a	)	
IHS AT BAYSIDE,	)	
	)	
Defendant.	)	

**DEFENDANT'S RESPONSE TO PLAINTIFF'S**  
**MOTION TO STRIKE AFFIDAVITS**

**AND NOW**, comes Defendant, by and through its attorneys, **CHARLES H. SAUL, ESQUIRE, LIBERTY J. WEYANDT, ESQUIRE** and **MARGOLIS EDELSTEIN** and hereby files its Response to Plaintiff's Motion to Strike Affidavits:

1. On July 29, 2005, Defendant filed a Motion for Summary Judgment, which was supported by various Affidavits.
2. On August 8, 2005, Plaintiff filed a Motion to Strike Affidavits on the basis that they "show, no witness to, the signature of the person, signing, each one, nor is there any indication, or any of the preceding (*sic*) Affidavits, being notarized" (Plaintiff's Motion, ¶ 1). In support thereof, Plaintiff cites the Legal Secretary's Complete Handbook.

3. 28 U.S.C. §1746 (2005) states as follows:

§ 1746. Unsworn declarations under penalty of perjury  
Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:

(1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date).

(Signature)".

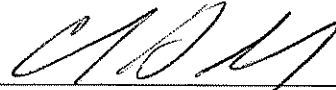
(2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date).

(Signature)".

4. The Affidavit submitted by Defendant in support of its Motion for Summary Judgment are in the form prescribed by 28 U.S.C. §1746, which permits the submission of non-witnessed, non-notarized Affidavits which bear the language prescribed by 28 U.S.C. §1746. For the convenience of the Court, the signature pages of the Affidavits that Plaintiff seeks to strike are attached hereto as Attachment 1.

**WHEREFORE**, It is respectfully requested that Plaintiff's Motion to Strike Affidavits be denied.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'CHS', is written over a horizontal line.

Charles H. Saul, Esquire; PA. I.D. #19938  
Liberty J. Weyandt, Esquire; PA ID # 87654  
Attorneys for Defendant

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